



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

SUBDIVISION REVIEW BOARD

MEETING DATE September 12, 2016	CONTACT/PHONE Jo Manson (805) 781-4660 jmanson@co.slo.ca.us	APPLICANT M. Dale and Wanda Federer	FILE NO. CO 04-0186 SUB2004-00164
SUBJECT A request for a <u>third time extension</u> by <u>M. DALE AND WANDA FEDERER</u> for a Vesting Tentative Parcel Map to subdivide an existing 1.1 acre parcel into four parcels ranging in size from 8,700 square feet to 13,000 square feet each for the purpose of sale and/or development. The project includes off-site road improvements to Orchard Road and Frank Court. The proposed project is within the Residential Single Family land use category and is located at 233 Frank Court, east of Orchard Road, in the community of Nipomo. The site is in the South County Inland Sub-area in the South County Planning Area.			
RECOMMENDED ACTION Approve the <u>third time extension request</u> for Vesting Tentative Parcel Map CO 04-0186.			
ENVIRONMENTAL DETERMINATION A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on April 28, 2005 for this project. The Negative Declaration was approved by the Subdivision Review Board on June 6, 2005.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-573-022	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: 22.108.040 – Nipomo Urban Area Standards			
LAND USE ORDINANCE STANDARDS: 22.22.080 – Subdivision Design Standards (Residential Single Family Land Use Category)			
EXISTING USES: Residence, accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family / Residences East: Residential Single Family / Residences South: Residential Single Family / Residences West: Residential Single Family / Residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Vesting tentative parcel map was originally referred to Nipomo Community Advisory Council, Public Works, Environmental Health, Cal Fire, County Parks, Nipomo Community Services District, Air Pollution Control District			
TOPOGRAPHY: Nearly level to gently rolling		VEGETATION: Grasses, ornamentals, pines	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Parcel Map CO 04-0186 was approved by the Subdivision Review Board on June 6, 2005 and was set to expire on June 6, 2016. On May 26, 2016, the applicant requested the **third one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related development plan if it is required as a part of the subdivision process).

Vesting Tentative Parcel Map (CO 04-0186) is a request by M. Dale and Wanda Federer to subdivide an existing 1.1 acre parcel into four parcels ranging in size from 8,700 square feet to 13,000 square feet each for the purpose of sale and/or development. The project includes off-site road improvements to Orchard Road and Frank Court.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Subdivision Review Board and the public.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was June 6, 2007. The Subdivision Review Board approved a first one year time extension request on July 9, 2007 and the new expiration date was June 6, 2008. The Subdivision Review Board approved a second one year time extension request on July 14, 2008 and the new expiration date was June 6, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **third discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Parcel Map CO 04-0186 was extended to June 6, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Parcel Map CO 04-0186 was extended to June 6, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Parcel Map CO 04-0186 was extended to June 6, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 11, 2013 extends the tentative map twenty four (24) months. Vesting Tentative Parcel Map CO 04-0186 was extended to June 6, 2016.

Staff Determination and Recommendation

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Subdivision Review Board that the **third one year time extension** be granted to June 6, 2017 subject to the conditions of approval set by the Subdivision Review Board on June 6, 2005.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 - Notice of Final County Action, June 6, 2005

Report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner